

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

CONSTANTINO BASILE,

Case No.: 2:24-cv-00108-APG-MDC

Plaintiff

Order Granting Santa Monica Police Department's Motion to Dismiss

V.

[ECF No. 13]

THE LOS ANGELES FILM SCHOOL, LLC,
et al.,

Defendants

9 Constantino Basile filed a 227-page complaint alleging 10 causes of action against 45
10 defendants, including the “Santa Monica Police Department (City of Santa Monica)” (hereinafter
11 Santa Monica). ECF No. 1. Santa Monica moves to dismiss because Basile fails to state a claim
12 against it. ECF No. 13. I agree.

13 In considering a motion to dismiss, I take all well-pleaded allegations of material fact as
14 true and construe the allegations in a light most favorable to the non-moving party. *Kwan v.*
15 *SanMedica Int'l*, 854 F.3d 1088, 1096 (9th Cir. 2017). However, I do not “assume the truth of
16 legal conclusions merely because they are cast in the form of factual allegations.” *Navajo Nation*
17 *v. Dep't of the Interior*, 876 F.3d 1144, 1163 (9th Cir. 2017). A plaintiff must make sufficient
18 factual allegations to establish a plausible entitlement to relief. *Bell Atl. Corp. v. Twombly*, 550
19 U.S. 544, 556 (2007). Such allegations must amount to “more than labels and conclusions, [or] a
20 formulaic recitation of the elements of a cause of action.” *Id.* at 555.

21 Liberally construing Basile's complaint, he seems to allege that Santa Monica may have
22 been involved in an investigation of his brother's death. But he makes very few factual
23 allegations about Santa Monica, and those are so vague that it is impossible to determine what

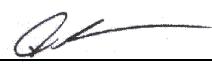
1 Santa Monica allegedly did and what claims are being asserted against it. Because Basile has not
2 plausibly alleged a claim for relief against Santa Monica, I grant its motion to dismiss.

3 It may be possible for Basile to plausibly allege a claim against Santa Monica, so
4 amendment may not be futile. I therefore grant Basile leave to amend his complaint if he can
5 properly allege facts to support a claim against Santa Monica. However, Basile will not file an
6 amended complaint until I have ruled on the other pending motions to dismiss, so that only one
7 amended complaint is needed to assert all claims against the remaining defendants. Once those
8 motions have been decided, I will set a deadline for Basile to file his amended complaint.

9 I THEREFORE ORDER that Santa Monica's motion to dismiss (**ECF No. 13**) is
10 **GRANTED**. Basile's claims against Santa Monica are dismissed without prejudice.

11 I FURTHER ORDER that Basile is granted leave to amend his complaint if he can allege
12 facts to support a claim against Santa Monica. However, Basile will not file an amended
13 complaint until I have ruled on the other pending motions to dismiss.

14 DATED this 18th day of September, 2024.

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16 
17 ANDREW P. GORDON
18 UNITED STATES DISTRICT JUDGE
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